



Steven W. Troxler  
Commissioner

North Carolina Department of Agriculture  
and Consumer Services  
*Veterinary Division*

Joseph W. Reardon  
Assistant Commissioner  
for Consumer Protection

Douglas Meckes, DVM  
State Veterinarian

June 30, 2021

Lora Holcombe  
Owner  
The Hound Hut  
77 Vaughn Circle  
Fletcher, North Carolina 28732

**NOTICE of CIVIL PENALTY**

**Re: CIVIL PENALTY ASSESSMENT for VIOLATION of TITLE 02 N.C. ADMINISTRATIVE CODE ("NCAC") CHAPTER 52J SECTIONS .0201(j) and .0204(d) and (e) and NOTICE OF WARNING for VIOLATION of 02 NCAC 52J .0202(d); .0204(a); and .0208.**

**AWS-CP-2021-7**

**Facility:** The Hound Hut  
License Number - 10795

Dear Ms. Holcombe:

Pursuant to NCGS § 19A-40, I am issuing this notice that you, as owner of The Hound Hut, are hereby assessed a civil penalty of \$800.00 as provided in the enclosed Notice of Violations.

With regard to the civil penalty, within 60 days from the date of receipt, you must do one of the following:

1. Pay the civil penalty assessment; or
2. File a written petition for a contested case hearing with the N.C. Office of Administrative Hearings to appeal the penalty assessment.

Pursuant to NCGS § 150B-22, either party to a dispute may initiate informal settlement negotiations at any time. To negotiate a settlement of this assessment, you may contact me by telephone at (919) 707-3280. Settlement offers do not extend the 60-day deadline for payment or filing of a contested case petition.

Additional information about your options is provided below:

### **PAYMENT**

To pay the penalty, please send your payment by check or money order made payable to the North Carolina Department of Agriculture and Consumer Services to:

North Carolina Department of Agriculture and Consumer Services  
Dr. Patricia Norris  
Director, Animal Welfare Section  
1030 Mail Service Center  
Raleigh, NC 27699-1030

### **APPEAL**

If you file a contested case petition, it must be in writing and in the form prescribed by NCGS § 150B-23. The petition must be filed with the N.C. Office of Administrative Hearings ("OAH") within 60 days from the date of this document. Additionally, the petition must be accompanied by a filing fee of twenty dollars (\$20.00). Payment can be made by cash, money order, certified check or check drawn on an attorney's trust account. Make checks payable to: Office of Administrative Hearings. File the petition and one copy with:

Office of Administrative Hearings  
6714 Mail Service Center  
Raleigh, NC 27699-6714

Any questions about filing a petition may be directed to the Clerk of OAH by telephone at 919-431-3000.

You must serve NCDA&CS by mailing a copy of the petition to:

Ms. Tina Hlabse  
North Carolina Department of Agriculture and Consumer Services  
Registered Agent and General Counsel  
1001 Mail Service Center  
Raleigh, NC 27699-1001

Payment of the penalty will not foreclose further enforcement action against you for any new violation. If the violations which resulted in the assessment are of a continuing nature, NCDA&CS reserves the right to assess additional civil penalties in the future or take other enforcement action against you.

Your attention to this matter is appreciated.

Sincerely,



Patricia Norris, DVM, MS  
Director, Animal Welfare Section

**Attachment: Notice of Violations, Assessment of Civil Penalty**

**cc: R. Douglas Meckes, DVM, State Veterinarian  
Tina Hlabse, General Counsel, NCDA&CS  
Joe Reardon, Assistant Commissioner, NCDA&CS  
Christopher R. McLennan, Assistant Attorney General**

STATE OF NORTH CAROLINA  
COUNTY OF WAKE

NORTH CAROLINA DEPARTMENT  
OF AGRICULTURE AND CONSUMER  
SERVICES, VETERINARY DIVISION  
ANIMAL WELFARE SECTION

IN THE MATTER OF

LORA HOLCOMBE

DBA THE HOUND HUT

) NOTICE OF VIOLATION and  
) ASSESSMENT of CIVIL PENALTY  
) for VIOLATION of TITLE 02 N.C  
) ADMINISTRATIVE CODE ("NCAC")  
) CHAPTER 52J SECTIONS .0201(j) and  
) .0204(d) and (e) NOTICE OF WARNING for  
) VIOLATION of 02 NCAC 52J .0202(d);  
) .0204(a) and .0208.  
)

Acting pursuant to NCGS § 19A-40, Dr. Patricia Norris, Director, Animal Welfare Section ("AWS"), North Carolina Department of Agriculture and Consumer Services ("NCDA&CS") makes the following:

**FINDINGS OF FACT**

1. At all times pertinent to this matter, The Hound Hut ("the kennel") was a boarding kennel, licensed pursuant to N.C. General Statute ("NCGS") § 19A-28.
2. On February 24, 2021, AWS Animal Health Technician Joshua James ("Inspector James") conducted a Facility Compliance Inspection ("FCI") of the kennel. During this FCI the following findings were noted:
  - (a) the vinyl flooring was damaged, and the wood subfloor exposed. In addition, areas of trim are damaged, some of the FRP was loose and wood exposed. There were areas of exposed sheetrock. Therefore, these surfaces of the interior building were not impervious to water and could not be readily sanitized as required by 02 NCAC 52J .0202(a). Inspector James discussed the need to repair all the areas so that they could be adequately cleaned and readily sanitized;
  - (b) in one exercise area 15 dogs were confined together with no supervision in violation of 02 NCAC 52J .0204(d) and (e);
  - (c) in another exercise area there were approximately 30 dogs confined together with no supervision also in violation of 02 NCAC 52J .0204(d) and (e);
  - (d) there were 2 employees present on the premises and 1 of those employees was bathing/grooming dogs. There were approximately 40 dogs that were comingling in the 2 occupied exercise areas, therefore, a sufficient number of employees was not utilized to maintain the prescribed level of husbandry in violation of 02 NCAC 52J .0208;
  - (e) Inspector James reviewed the FCI findings with a kennel staff member at the time of the FCI and later with the kennel owner. Inspector James emphasized the need for immediate correction of the lack of supervision of the comingling dogs. He also requested the owner provide a timeline for corrective actions for the remaining violations; and
  - (f) due to the number and severity of violations and the significant safety risk to the animals of comingling dogs with no supervision, this FCI was noted as "Disapproved."
3. On May 10, 2021, Inspector James met with the kennel owner at the facility to discuss again the February 24, 2021 FCI findings. Inspector James reminded the kennel owner of the importance of

immediate correction of the failure to supervise the comingling dogs and adequate cleaning of the facility. He again requested a corrective action plan with a timeline from the kennel owner. As of the date of this Notice, no such action plan has been received by AWS from the kennel.

4. On June 16, 2021, Inspector James conducted a Facility Compliance Inspection ("FCI") of the kennel. During this FCI the following findings were noted:

- (a) when Inspector James arrived at the facility at 10:26 AM, a kennel staff member called the kennel owner who asked to be put on "speaker" so that she could speak to Inspector James. The kennel owner asked Inspector James not to enter or inspect the outside enclosures because the owner was aware there was a large number of dogs present in the exercise areas and only 1 supervising employee. This request was in violation of 02 NCAC 52J .0201(j) which requires that all areas of a facility to be subject to inspection by NCDA&CS employees during normal business hours;
- (b) the vinyl flooring was damaged, and the wood subfloor exposed. In addition, areas of trim were damaged, some of the FRP was loose and wood exposed. There were areas of exposed sheetrock. Therefore, these surfaces of the interior building were not impervious to water and could not be readily sanitized as required by 02 NCAC 52J .0202(d). These same damaged areas were noted during the February 24, 2021 FCI.
- (c) the FRP within the inside primary enclosures was severely damaged exposing wood in violation of 02 NCAC 52J .0204(a);
- (d) the chain link of the primary enclosures was rusting and had a buildup of debris and biological matter in violation of 02 NCAC 52J .0204(a);
- (e) upon arrival at the kennel, Inspector James noted 22 dogs confined together in the outdoor exercise area with no supervision in violation of 02 NCAC 52J .0204(d) and (e);
- (f) in the adjoining outside exercise area, 20 dogs were confined together with only 1 supervising employee in violation of 02 NCAC 52J .0204(e);
- (g) in the front area of the kennel, 5 dogs were confined together with no supervision in violation of 02 NCAC 52J .0204(d) and (e); and
- (h) At the time of the FCI, 2 employees were present at the facility. Two exercise areas contained more than 4 dogs comingling with no supervision and 1 exercise area with comingling dogs was being supervised by an insufficient number of employees. Given the number of dogs housed on the facility and the failure to adequately clean the facility, 2 employees were not a sufficient number of employees to maintain the prescribed level of husbandry practices in violation of 02 NCAC 52 J .0208.

## CONCLUSIONS

As a result of this investigation, AWS concludes that the kennel, either by act or omission, violated the following provisions:

02 NCAC 52J .0201(j) for failing to allow all areas of the facility to be inspected by NCDA&CS employees during normal business hours on June 16, 2021;

02 NCAC 52J .0202(d) for failing to maintain interior building surfaces of indoor facilities so that they are impervious to moisture and can be readily sanitized on June 16, 2021;

02 NCAC 52J .0204(a) for failing to maintain primary enclosure surfaces with which animals come in contact so that they are impervious to moisture and can be readily sanitized and the presence of exposed wood within the contact of animals on June 16, 2021;

02 NCAC 52J .0204(d) for failing to supervise 2 enclosures (1 outside exercise area and one area in the front of the facility) when more than 4 dogs were present in each area on June 16, 2021;

02 NCAC 52J .0204(e) for failing to have at least one person supervising each 10 dogs housed in the adjacent outside play area on June 16, 2021; and

02 NCAC 52J .0208 for failing to utilize a sufficient number of employees to maintain the prescribed level of husbandry practices.

## **CIVIL PENALTY**

As required by N.C. General Statute § 19A-40, in determining the amount of the civil penalty, I have considered the degree and extent of harm caused by the violations listed above.

Accordingly, Lora Holcombe as owner and operator of The Hound Hut is hereby assessed a civil penalty for the following violations:

\$200.00 for violation of 02 NCAC 52J .0201(j) for failing to allow all areas of the facility to be inspected by NCDA&CS employees during normal business hours on June 16, 2021;

\$400.00 for 2 violations (\$200.00 per violation) of 02 NCAC 52J .0204(d) for failing to supervise 2 enclosures (1 outside exercise area and one area in the front of the facility) when more than 4 dogs were present in each area on June 16, 2021; and

\$200.00 for violation of 02 NCAC 52J .0204(e) for failing to have at least one person supervising each 10 dogs housed in the adjacent outside play area on June 16, 2021.

**\$800.00 TOTAL AMOUNT ASSESSED**

## **NOTICE of WARNING**

As to the remaining violations on June 16, 2021 of

(a) 02 NCAC 52J .0202(d) for failing to maintain interior building surfaces of indoor facilities so that they are impervious to moisture and can be readily sanitized;

(b) 02 NCAC 52J .0204(a) for failing to maintain primary enclosure surfaces with which animals come in contact so that they are impervious to moisture and can be readily sanitized and the presence of exposed wood within the contact of animals; and

(c) 02 NCAC 52J .0208 for failing to utilize a sufficient number of employees to maintain the prescribed level of husbandry practices;

this Warning Letter serves as written notice indicating in which respects the kennel may have violated the NC Animal Welfare Act and the rules issued pursuant thereto.

Continued or future violation of the statutes or regulations referenced in this letter will be considered a willful disregard or violation of the N.C. Animal Welfare Act and the rules issued pursuant thereto. Such willful disregard or violation may result in action against your facility's license pursuant to NCGS § 19A-30 and/or the assessment of a civil penalty of up to \$5,000.00 per violation under NCGS § 19A-40.

(See Appendix for text of referenced General Statutes and Administrative Code)

6/30/2021  
Date

Patricia Norris DVM, MS  
Patricia Norris, DVM, MS  
Director, Animal Welfare Section  
North Carolina Department of  
Agriculture & Consumer Services

## Appendix

### REFERENCED LAWS AND REGULATIONS

#### **§ 19A-28. License required for public auction or boarding kennel.**

No person shall operate a public auction or a boarding kennel unless a license to operate such establishment shall have been granted by the Director. Application for such license shall be made in the manner provided by the Director. The license period shall be the fiscal year and the license fee shall be seventy-five dollars (\$75.00) for each license period or part thereof beginning with the first day of the fiscal year.

#### **§ 19A-30. Refusal, suspension or revocation of certificate or license.**

The Director may refuse to issue or renew or may suspend or revoke a certificate of registration for any animal shelter or a license for any public auction, kennel, pet shop, or dealer, if after an impartial investigation as provided in this Article he determines that any one or more of the following grounds apply:

- (1) Material misstatement in the application for the original certificate of registration or license or in the application for any renewal under this Article;
- (2) Willful disregard or violation of this Article or any rules issued pursuant thereto;
- (3) Failure to provide adequate housing facilities and/or primary enclosures for the purposes of this Article, or if the feeding, watering, sanitizing and housing practices at the animal shelter, public auction, pet shop, or kennel are not consistent with the intent of this Article or the rules adopted under this Article;
- (4) Allowing one's license under this Article to be used by an unlicensed person;
- (5) Conviction of any crime an essential element of which is misstatement, fraud, or dishonesty, or conviction of any felony;
- (6) Making substantial misrepresentations or false promises of a character likely to influence, persuade, or induce in connection with the business of a public auction, commercial kennel, pet shop, or dealer;
- (7) Pursuing a continued course of misrepresentation of or making false promises through advertising, salesmen, agents, or otherwise in connection with the business to be licensed;
- (8) Failure to possess the necessary qualifications or to meet the requirements of this Article for the issuance or holding of a certificate of registration or license.

The Director shall, before refusing to issue or renew and before suspension or revocation of a certificate of registration or a license, give to the applicant or holder thereof a written notice containing a statement indicating in what respects the applicant or holder has failed to satisfy the requirements for the holding of a certificate of registration or a license. If a certificate of registration or a license is suspended or revoked under the provisions hereof, the holder shall have five days from such suspension or revocation to surrender all certificates of registration or licenses issued thereunder to the Director or his authorized representative.

A person to whom a certificate of registration or a license is denied, suspended, or revoked by the Director may contest the action by filing a petition under G.S. 150B-23 within five days after the denial, suspension, or revocation.

Any licensee whose license is revoked under the provisions of this Article shall not be eligible to apply for a new license hereunder until one year has elapsed from the date of the order revoking said license or if an appeal is taken from said order of revocation, one year from the date of the order or final judgment sustaining said revocation. Any person who has been an officer, agent, or employee of a licensee whose license has been revoked or suspended and who is responsible for or participated in the



violation upon which the order of suspension or revocation was based, shall not be licensed within the period during which the order of suspension or revocation is in effect.

#### **§ 19A-40. Civil Penalties.**

The Director may assess a civil penalty of not more than five thousand dollars (\$5,000) against any person who violates a provision of this Article or any rule promulgated thereunder. In determining the amount of the penalty, the Director shall consider the degree and extent of harm caused by the violation. The clear proceeds of civil penalties assessed pursuant to this section shall be remitted to the Civil Penalty and Forfeiture Fund in accordance with G.S. 115C-457.2.

#### **02 NCAC 52J .0201 GENERAL**

(j) All areas of a facility are subject to review or inspection by North Carolina Department of Agriculture and Consumer Services employees during normal business hours (8:00 a.m. through 5:30 p.m. Monday through Friday).

*History Note: Authority G.S. 19A-24; Eff. April 1, 1984; Amended Eff. January 1, 2005.*

#### **02 NCAC 52J .0202 INDOOR FACILITIES**

(d) Interior building surfaces of indoor facilities with which animals come in contact shall be constructed and maintained so that they are impervious to moisture, and can be readily sanitized.

*History Note: Authority G.S. 19A-24; Eff. April 1, 1984; Amended Eff. January 1, 2005.*

#### **02 NCAC 52J .0204 PRIMARY ENCLOSURES**

(a) Primary enclosures shall be constructed so as to prevent contamination from waste and wastewater from animals in other enclosures. All surfaces with which an animal comes in contact shall be impervious to moisture. For primary enclosures placed into service on or after January 1, 2005, no wood shall be within the animal's reach. For primary enclosures in use in a licensed or registered facility prior to January 1, 2005, any damaged wood must be replaced in a manner that does not permit contact with wood by the animal.

(d) In addition to Paragraph (b) of this Rule, each dog shall be provided a minimum square footage of floor space equal to the mathematical square of the sum of the length of the dog in inches, as measured from the tip of its nose to the base of its tail, plus six inches, then divide the product by 144. The calculation is:  $(\text{length of dog in inches} + 6) \times (\text{length of dog in inches} + 6) = \text{required floor space in square inches}$ .  $\text{Required floor space in square inches} \div 144 = \text{required floor space in square feet}$ . The calculation shall be expressed in square feet. Not more than four adult dogs shall be housed in the same primary enclosure without supervision.

(e) If more than four dogs are housed in a common area or enclosure, then there must be at least one person supervising each 10 dogs housed within each enclosure or common area.

*History Note: Authority G.S. 19A-24; Eff. April 1, 1984; Amended Eff. January 1, 2005; April 1, 1985.*

#### **02 NCAC 52J .0208 EMPLOYEES**

A sufficient number of employees shall be utilized to maintain the prescribed level of husbandry practices set forth in this Rule. Such practices shall be under the supervision of an animal caretaker who has a background in animal husbandry or care.

*History Note: Authority G.S. 19A-24;  
Eff. April 1, 1984.*